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The 4th Amendment: Protecting Our Civil Liberties

The need for a law to prevent unlawful or unjust searches and seizures was first evident in Colonial America in the early 1600's. One of the most famous English cases of the 17th century was that of Entick vs. Carrington. The case was simply one of many civil actions filed against British officers who had raided many homes and businesses in search of materials supporting John Wilkes' writings against the English government and the King himself. Entick, an acquaintance of Wilkes, sued because officers had broken into his home and forced open locked desks and boxes and seized printed charts and pamphlets. The court ruled that the warrant and the behavior it permitted was contrary to "all the comforts of society" because it allowed the seizure of all of one's papers and not just the ones alleged to be criminal in nature. Another fault the court found was the fact that the warrant did not explicitly state the probable cause, and no record was made of what had been seized ("Search and Seizure" 1). The case was so influential that it helped to create a framework for the writers of the Constitution to establish the 4th Amendment.

I believe that as an American citizen and under the 4th amendment I have the right to live life free from concern about government or law enforcement officials prying into my routine daily activities for no apparent reason. I should be able to attend school without worrying about whether outside people have access to my personal records, belongings, school work, etc. While at school, I should be able to have the peace of mind knowing that my house, car, and belongings are not being unlawfully violated by investigators or other government agents. I believe that my vehicle is an extension of my home, and therefore, the same rules should apply with regards to searches. What I do or have at school, in my car, and in my home is my private business and should not be

tampered with by authorities unless they have justifiable reasons. However, having reasons and warrants may make searches and seizures legal, but at the same time, I should be able to know what I'm under investigation for and why.

Although the 4th Amendment was intended to protect citizens from illegal break-ins, due to an ever-increasing amount of loopholes and abuses of the legal system, more and more cases are being brought up in court to defend citizens and fight for the rights that the 4th amendment gave them. In July 2003 a federal lawsuit was filed against Section 215 of the USA Patriot Act, an anti-terrorism law, which came about as a result of September 11, 2001. The Section-in-question supposedly expands the power of the FBI to obtain records and other "tangible things" of people NOT suspected of criminal activity. The American Civil Liberties Union filed the lawsuit on behalf of several Arab groups who felt that the Patriot Act has violated the Constitution's 1st, 4th, and 5th amendments ("ACLU Lawsuit" 1). This is a prime example of how Americans are using the courts to aid them in the "battle" to support their rights as citizens.

With respect to how I feel about the 4th Amendment, I think the courts have done a successful job in upholding what the amendment was designed to do: protect Americans' freedoms. There have been some rulings that contradict what I feel I am entitled to, but for the most part, my beliefs are in line with those of the courts.

In the case of *Oliver vs. the United States* in 1984, the Supreme Court ruled that police are exempt from private property trespassing restrictions and may search any area of private property even if there are fences and NO TRESPASSING signs. The only area that cannot be inspected is the area immediately around the "home" ("The 4th Amendment" 3).

In 1982, the Supreme Court ruled that police can search any containers in any vehicle on the basis of a police officer's decision that there is probable cause. This case, the United States vs. Ross, appeared to have completely ignored the warrant requirement set forth by the 4th Amendment ("The 4th Amendment" 4). These two cases are perfect examples of rulings that go against my concepts of privacy, but unfortunately I am not privileged to the specific details of each case. There may have been certain motives or undisclosed information that influenced each ruling; so therefore I cannot say that the courts were entirely wrong on their decisions.

In pro-privacy decisions such as the Supreme Court case of Indianapolis vs. Edmond in 2000, the court ruled that it was unconstitutional for the state to set up roadblocks to search vehicles for drugs without proper warrants. I believe that such a ruling is completely fair because clearly the state was wrong to stop motorists to check their vehicles for illegal substances without having reasonable cause or search warrants. As long as people are tending to their own affairs and minding their own business the government has no right to upset their routine activities just because they want to catch them doing something wrong. It would be similar to setting a trap for them.

Even if it means shooting down unconstitutional legislation from Congress or making unpopular but fair rulings, the court system in the United States is putting forth its best efforts to protect not only our privacy but our civil liberties in general. There have been some setbacks, many advancements, and several just plain outright mistakes, but for the most part the Supreme Court and all other lesser courts have done rather well in the quest to define and secure our privacy.

Works Cited

ACLU Lawsuit. Ed. Kevin Bohn. 2003. Cable News Network: Law Center. 31 October 2004. <<http://www.cnn.com/2003/LAW/07/30/patriot.act/>>.

Search and Seizure. Thomson Find Law. 31 October 2004.
<<http://caselaw.lp.findlaw.com/data/constitution/amendment04/01.html>>.

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Essay Entry Form 2004:

1. I have read, understand, complied with and accept the terms of the contest objectives and guidelines for the *Essay Contest* (hereinafter the "essay").
2. I warrant and represent that I personally wrote the essay I submitted to the Competition. I further warrant and represent that the essay I submitted has not been published before its submission to this Competition, and that any reference material I have used has been properly cited and not plagiarized.
3. I am a student who has not graduated from high school, and I am a citizen and/or resident of the United States. I am not an employee of the U.S. District Court for the Eastern District of Louisiana or its affiliates or an immediate family member or member of the household of an employee of the U.S. District Court for the Eastern District of Louisiana or its affiliates.
4. I hereby release, discharge and hold harmless the U.S. District Court for the Eastern District of Louisiana and its successors, assigns, officers, employees and agents associated with the Competition from and against any and all liability, loss, damage, expense, claims, settlements or judgments of any kind whatsoever, including attorneys' fees, whether in contract or in tort, arising directly or indirectly as a result of my participation in the Competition, and my acceptance and use of a prize awarded to me, if any.
5. I consent to the use of my name, biographical data, pictures, portraits, photographs, voice or likeness, and the essay entered by me in the Competition in any form for editorial, advertising, promotional and trade purposes in connection with the promotion by the U.S. District Court of the Eastern District of Louisiana of this Competition and succeeding programs sponsored by the U.S. District Court for the Eastern District of Louisiana. I release the U.S. District Court for the Eastern District of Louisiana from all liabilities arising out of distortion, optical illusions or faulty mechanical reproductions of my likeness. I acknowledge that I have no right to approve the advertising or promotional materials that include my likeness or the essay submitted by me to the Competition.
6. The Parental Release Form attached to this entry form has been signed by my parent or legal guardian (if applicable), stating that my parent or legal guardian has read and also accepts the same legal obligations outlined above.
7. I am 18 years of age, or if I am not 18 years of age, I have obtained the signature of my parent or legal guardian as described below.

Entrant's signature: Marc J. Rogers Jr. Date: 10/27/04

Phone number: (985) 575-3367

Parent's or legal guardian's name: Marc J. Rogers Jr.
(if entrant is under 18)

Parent or Guardian Release Form

(To be completed by parent or guardian of entrant – for applicants under age 18.)

I, Marc Rogers Sr., hereby represent and warrant that I am the parent or legal guardian of the identified entrant and that I accept the same legal obligations stated on the front in connection with this Competition, including but not limited to, the use of the minor's name, likeness and essay as stated on the front, and consent to the minor named herein accepting and receiving a prize, if any. I also hereby release, discharge and hold harmless the U.S. District Court for the Eastern District of Louisiana and its successors, assigns, officers, employees and agents associated with the Competition from and against any and all liability, loss, damage, expense, claims, settlements or judgments of any kind whatsoever, including attorneys' fees, whether in contract or in tort, which I or my heirs, executors or administrators may have arising directly or indirectly as a result of the minor's participation in the Competition and acceptance and receipt of a prize, if any.

Name: Marc Rogers

Street address: P.O. BOX 14

City: Gibson State: LA Zip: 70356 Parish: Terrebonne

Phone number: (985) 575-3367 Date: October 27, 2004

Signature: Marc J Rogers Sr.